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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 TONY PEROULIS,

11 Plaintiff,

12 vs.

13 PAUL KOZAK, et al.,

14 Defendants.  
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Case No. 2:07-cv-00284-JCM-GWF

**ORDER**


16 This matter is before the Court on Defendant's Motion (2) Requesting a Compulsory Claim  
17 Against the Plaintiff Under Rule 13(a) (#92), filed on November 13, 2007 and Plaintiff's Response to  
18 Motion (2) Requesting a Compulsory Claim Against the Plaintiff Under Rule 13(a) (#98), filed  
19 November 30, 2007.

20 The Court has reviewed the briefs submitted by the parties. Pursuant to the Scheduling Order  
21 (#38) entered in this case on May 22, 2007, the last date to file motions to amend pleadings and add  
22 parties was August 16, 2007. Discovery in this action closed on November 14, 2007. Motions to  
23 amend pleadings filed within the time prescribed by the scheduling order are governed by the  
24 provisions of Fed.R.Civ.Pro. 15(a) which provides that leave to amend shall be freely given when  
25 justice so requires. When a party seeks to amend his pleadings after the expiration of the deadline for  
26 amendment of pleadings set by the scheduling order, however, the movant is required to show good  
27 cause for the amendment, including that the amendment could not reasonably have been made within  
28 the time prescribed by the scheduling order. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,

1 609-610 (9<sup>th</sup> Cir. 1992); *Parker v. Columbia Pictures Industries*, 204 F.3d 326, 340 (2d Cir. 2000). In  
2 this case, Defendant filed his motion requesting a compulsory claim against Plaintiff nearly ninety days  
3 after the deadline for amendment of pleadings and only one day before the expiration of the discovery  
4 completion deadline. Defendant has failed to demonstrate any reason or good cause for his failure to  
5 move for leave to file a counterclaim against the Plaintiff prior to the expiration of the deadline for  
6 amendment of pleadings, or for that matter, well before the discovery cut-off date. Accordingly,

7 **IT IS HEREBY ORDERED** that Defendant's Motion (2) Requesting a Compulsory Claim  
8 Against the Plaintiff Under Rule 13(a) (#92) is **denied**.

9 DATED this 21st day of February, 2008.

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11 GEORGE FOLEY, JR.  
12 United States Magistrate Judge  
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